IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 26733 of 2007(G)

PETITIONER:

THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM,
REPRESENTED BY DEPUTY LAW OFFICER
SRI.RANJITH JOSEPH.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENT:

SRI.S.SANTHU, S/O.G.SIVADASAN,
CHAZHIPURATH VAYALIL, KADAPPAKADA P.O.,
KOLLAM.

BY ADV. SHRI N. ANANTHARAJAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 26733 OF 2007 G

PETITIONER'S EXHIBITS:

EXT.P1 **TRUE COPY OF THE COMPLAINT NO.1466/2007 DATED 14.06.2007.**

EXT.P2 **TRUE COPY OF THE ORDER OF THE KERALA LOK AYUKTA ON COMPLAINT NO.1466/2007 DATED 30.07.2007.**

EXT.P3 **TRUE COPY OF THE LETTER NO.LR8-023330/07 DATED 20.07.2007.**

EXT.P4 **TRUE COPY OF THE JUDGMENT IN W.A.NO.289/2001 DATED 20.11.2002.**

EXT.P5 **TRUE COPY OF THE INTERIM ORDER IN CIVIL APPEAL NOS. 5401-5407 OF 2002 DATED 29.8.2002 OF THE HONOURABLE SUPREME COURT.**

EXT.P6 **TRUE COPY OF THE JUDGMENT IN WP.(C) NO. 19040/2007 DATED 9.8.2007.**

EXT.P7 **TRUE COPY OF THE JUDGDMENT IN W.A. NO.1642/2007 DATED 6.7.2007.**

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K.M.JOSEPH, J.

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WP.(C) No.26733 of 2007

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Dated this the 20th day of September, 2007

JUDGMENT

Respondent retired as driver on 31.3.2007. Pointing out the urgent need for funds in connection with the marriage of his daughter scheduled to take place on 5.8.2007, the respondent has approached the Lok Ayukta and obtained Ext.P2 order. Petitioner has challenged it in this writ petition.

2. Counsel for the respondent points out that the respondent has just ten years service and he is drawing only minimum pension. His DCRG and Commuted Value of Pension will come to only Rs.1,29,000/-.

Having regard to all facts, while I grant the declaration in terms of prayer No.2, Ext.P2 will stand modified and there will be a direction that the amount due by way of DCRG and Commuted Value of Pension will be disbursed to the respondent within a period of two months from today. I accept the contention of the petitioner that there is no warrant for the Lok Ayukta to direct payment of arrears

consequent to pay revision. Accordingly Ext.P2 sill stand set aside. I leave open the right of the respondent to seek the benefit of pay revision, if he is entitled to the same, in an appropriate forum.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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